

Committee Room,
Austin, Texas, April 20, 1935.
Hon. Ken M. Regan, President Pro
Tem. of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 13, A bill to be entitled "An Act to amend Chapter 39, of the General and Special Laws of the Forty-second Legislature, which was an Act 'providing for a rural school supervisor in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools in the county and work in cooperation with teachers; prescribing the salary of said supervisor and how it shall be paid; providing other things incidental to said purpose, and declaring an emergency,' so that hereafter said law shall not embrace, apply to, or include Nacogdoches County, and declaring an emergency"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DUGGAN, Chairman.

Committee Room,
Austin, Texas, April 20, 1935.
Hon. Ken M. Regan, President Pro
Tem. of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 14, A bill to be entitled "An Act repealing S. B. No. 285, Chapter 14, Acts of the Regular Session of the Forty-second Legislature, providing for a rural school supervisor in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools in the county and work in cooperation with teachers; prescribing the salary of said supervisor and how it shall be paid; providing other things incidental to said purpose, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DUGGAN, Chairman.

FIFTY-THIRD DAY.

Senate Chamber,
Austin, Texas,
April 23, 1935.

The Senate met at 9:30 o'clock a. m., pursuant to adjournment, and

was called to order by President Pro Tem. K. M. Regan.

The roll call disclosed a quorum, the following Senators being present.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Burns.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Minutes of Committee Meetings.

(See Appendix.)

Bills and Resolutions.

Senate Bill No. 17.

Pending business was S. B. No. 17 with pending amendment by Senator Collie.

Senate Bill No. 515.

Senator Small sent up the following bill:

By Senator Small:

S. B. No. 515, A bill to be entitled "An Act authorizing the creation and incorporation of wind erosion conservation districts coextensive with the area of any county in this State; prescribing the methods for the creation of same and designating the powers and duties of such districts; prescribing that the county judge and commissioners' court shall constitute the governing body and that the county treasurer and county clerk shall be the treasurer and clerk of

such districts; making such districts agencies of the State; prescribing the nature of work that may be done by the districts and providing that a portion of the costs thereof may be assessed against real property in such districts and prescribing the method of making such assessments; providing for the issuance of assessment certificates and the creation of liens to secure same; and providing for suits on such certificates and for the foreclosure of such liens; committing the use of 20% of automobile registration fees collected by counties where such districts are created and authorizing the transfer of road and bridge special taxes to such districts; diverting State ad valorem taxes in whole and in part in certain counties to provide funds to carry on wind erosion conservation work; providing that the districts can not levy ad valorem taxes; and declaring an emergency."

Read and referred to the Committee on State Affairs.

Messages from the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages.

Hall of the House of Representatives,
Austin, Texas, April 23, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 223, A bill to be entitled "An Act levying and imposing license taxes and occupation taxes on coin operated vending machines as defined in the Act, providing for certain exceptions and exemptions, prescribing penalties for violation of acts prohibited hereby and for failure to do and perform acts required to be done and performed under the provisions of this Act, to repeal Chapter 116, Acts of the First Called Session of the Forty-third Legislature, and to provide against counties, cities, and towns imposing any additional occupation tax by virtue of the taxes levied and imposed by this Act, etc., and declaring an emergency."

H. B. No. 201, A bill to be entitled "An Act repealing Article 307 of the Revised Civil Statutes of Texas, 1925; further providing that said

Act shall be effective on and after July 1, 1937."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 23, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 356 by a vote of 119 yeas, 0 nays.

The House has adopted the Conference Committee report on H. C. R. No. 50 by a viva voce vote.

The House has passed the following resolution:

S. C. R. No. 38, Urging the Texas Representatives in Congress to exert their utmost efforts to secure speedy and favorable action on the legislation providing for Federal aid to the Brazos River Conservation and Reclamation District.

The House has refused to concur in Senate amendments to H. B. No. 780 and requests the Senate for the appointment of a conference committee to adjust the differences between the two houses. The following are appointed as conferees on the part of the House:

Leonard, Good, Alkin, Dickison, and Dunlap of Hays.

The House refused to concur in Senate amendments to H. B. No. 781 and has requested that appointment of a conference committee to consider the differences between the two houses.

Leonard, Moore, Dunlap of Hays, Good and McKee.

The House has adopted the following resolution:

H. C. R. No. 94, Asking Federal government and State government to cooperate in projects to help drought stricken areas.

The House has granted the request of the Senate for the appointment of a conference committee to consider the differences between the two houses on S. B. No. 146. The following are conferees on the part of the House:

Graves, Knetsch, Walker, Petsch and Jones of Atascosa.

The House refused to concur in Senate amendments to H. B. No. 327 and has requested the appointment of a conference committee to consider the differences between the two houses.

Russell, Aikin, Petsch, Hankamer and Moffett.

The House has concurred in Senate amendments to H. B. No. 294 by a viva voce vote.

The House has tabled the motion to adopt the Conference Committee report on H. B. No. 11, by a vote of 70 yeas and 68 nays.

The House has adopted a motion requesting the Senate for a new Conference Committee on H. B. No. 11, to consider further the differences between the two houses, instructing the House conferees to consider the following:

I move to instruct the House Conference Committee on H. B. No. 11 to provide for an increase in salary for any employee in any department of the State of Texas.

FRAZER.

April 22, 1935, adopted by a viva voce vote.

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

I move that the House Conference Committee on H. B. No. 11 is hereby instructed to strike out of the conference report on page 1613 of the House Journal in section 9 thereof the words "so far as practicable" and to strike out in section 10 the words "as far as practicable" as it applies to labor.

FARMER.

April 22, 1935, adopted by a viva voce vote.

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

I move to instruct the new conference committee to provide that no total compensation shall be paid by the Centennial Commission in excess of \$6,500.00.

JONES of Wise.

April 22, 1935, adopted by a viva voce vote.

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

I move that House conferees appointed for the purpose of adjusting the differences of the Senate on H. B. No. 11 be instructed to incorporate in the conference report a provision which will make a definite allocation of funds to the Alamo and the Battle Ground of San Jacinto.

GIBSON.

April 22, 1935, adopted by a viva voce vote.

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

I move to instruct the Conference Committee on H. B. No. 11 to provide as follows, in its report, by adding immediately before the emergency clause, the following: "That after the show is over and upon some date during the Centennial year of 1936 that the patriotic citizens of this State, who believe in that form of government established by our forefathers, shall assemble at their own expenses at the Alamo, San Jacinto, and Goliad, and duly and appropriately commemorate the birth of the Republic of Texas and its entry into the American Union."

GREATHOUSE.

April 22, 1935, adopted by a viva voce vote.

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

I move to instruct the Conference Committee on H. B. No. 11 to make a definite appropriation to the last and only Indian tribe in Texas, the Alabama and Coushatta, in Polk County.

BERGMAN.

April 22, 1935, adopted by a viva voce vote.

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

We move that the House Conferees on H. B. No. 11 be instructed to insert in the conference report on said bill, a provision that 10% of the gross receipts on all concessions operating under or with agreement with the Centennial Commission, be paid into General Revenue of the State of Texas until the entire appropriation made by virtue of H. B. No. 11 has been repaid to the State Treasury.

TARWATER,
MAURITZ.

April 22, 1935, adopted by a vote of 71 yeas and 54 nays.

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

I move that the House of Representatives instruct the Conference Committee on the Centennial Bill to include in the Centennial Bill a provision for levying, collecting, and accounting for a 10% tax on admission tickets to be paid at each city or location of fair grounds where a Centennial Celebration is held, said tax to be allocated to the General Fund.

MOORE.

April 22, 1935, adopted by a viva vote vote.

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

The following are the new conferees on part of the House on H. B. No. 11:

Stinson, Spears, Howard, Settle and Butler of Brazos.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bills Referred.

H. B. No. 223, was referred to the Committee on State Affairs.

H. B. No. 201, was referred to the Committee on Civil Jurisprudence.

Certificate of Election.

Department of State,

I, Gerald C. Mann, Secretary of State in and for the State of Texas duly qualified and acting as such do hereby certify that on the 13th day of April, 1935 at a special election called in compliance with law for and in the Tenth Senatorial District of Texas composed of the Counties of Rockwall, Hunt, Rains and Collins; Honorable Claude M. Isbell of Rockwall County, Texas received the highest number of votes cast for any person for the office of State Senator in and for said Tenth Senatorial District and is therefore entitled to all emoluments and duties of said office for the unexpired term of the Honorable Wallace Hughston, resigned, said term ending in 1939.
(SEAL)

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the seal of State at my office in the City of Austin, this the 23rd day of April, A. D. 1935.

GERALD C. MANN.
Secretary of State.

House Bill No. 327.

Senator Redditt moved that the Senate grant the request of the House for the appointment of a Conference Committee on H. B. No. 327 to adjust the differences between the two houses.

The motion prevailed.

Conference Committee Appointed.

The Chair President Pro Tem. K. M. Regan appointed the following

conferees on part of the Senate for H. B. No. 327:

Senators Redditt, Duggan, Poage, Sanderford and Davis.

House Bill No. 780.

Senator Redditt moved that the Senate grant the request of the House for the appointment of a conference committee on H. B. No. 780 to adjust the differences between the two houses.

The motion prevailed.

Conference Committee Appointed.

The Chair appointed the following conferees on part of the Senate on H. B. No. 780:

Senators Redditt, Rawlings, Pace, Burns and Hill.

House Bill No. 781.

Senator Redditt moved that the Senate grant the request of the House for the appointment of a Conference Committee on H. B. No. 781 to adjust the differences between the two Houses.

The motion prevailed by viva voce vote.

Conference Committee Appointed.

The Chair appointed the following conferees on part of the Senate on H. B. No. 781:

Senators Redditt, Beck, Oneal, Cotten and DeBerry.

House Bill No. 417.

Senator Pace asked unanimous consent that his name be withdrawn from the Conference Committee on H. B. No. 417.

Unanimous consent was granted.

The Chair appointed Senator Van Zandt as conferee on H. B. No. 417.

House Bill No. 11.

Senator Westerfeld moved that the Senate grant the request of the House for the appointment of a new conference committee to further consider the differences between the two houses on H. B. No. 11.

Motion to Return Message.

Senator Martin moved that the Senate return the message on H. B. No. 11 to the House for more specific instructions.

Point of Order.

Senator Rawlings raised the point of order that the motion of Senator

Martin was out of order because the Senate had no right or power to instruct the House as to what action they shall take.

The Chair, President Pro Tem. K. M. Regan, sustained the point of order.

The question recurred on the motion by Senator Westerfeld.

The motion prevailed by viva voce vote.

Conference Committee Appointed.

The Chair, President Pro Tem. K. M. Regan, appointed the following conferees on part of the Senate on H. B. No. 11:

Senators Westerfeld, Oneal, DeBerry, Moore and Rawlings.

Senate Resolution No. 83.

Senator Moore sent up S. R. No. 83, Memorializing Hon. Underwood Nazro.

S. R. No. 83, was read and adopted by a rising vote.

Motion to Recess.

Senator Redditt, at 11:58 a. m., moved that the Senate recess until 12:55 o'clock p. m.

Motion to recess pending.

Executive Session.

Senator Oneal, moved that the Senate go into executive session at 11:59 o'clock a. m.

The motion prevailed by viva voce vote.

The time having arrived, the chamber was cleared and the doors locked.

After Executive Session.

After executive session the Secretary of the Senate informed the Journal Clerk that the following action had been taken in executive session:

Committee Room,
Austin, Texas, April 23, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred the following appointments, have had same under consideration, and I, as chairman of said committee, am instructed to report same back to the Senate with the recommendation that they be in all things confirmed:

To be members on Board of Mansion Supervisors:

Miss Ima Hogg, Houston, Harris County, Texas.

Mrs. R. S. Sterling, Houston, Harris County, Texas.

ONEAL, Chairman.

Adopted.

Bills and Resolutions Signed.

The Chair, President Pro Tem. K. M. Regan, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

H. B. No. 294.	H. B. No. 521.
H. B. No. 356.	H. C. R. No. 48.
H. B. No. 424.	H. C. R. No. 50.
H. B. No. 456.	

Senate Bill No. 516.

Senator Beck received unanimous consent to suspend the regular order of business and sent up the following local bill:

By Senator Fellbaum:

S. B. No. 516, A bill to be entitled "An Act authorizing the Judge of the Criminal District Court of Bexar County, Texas, to transfer criminal cases to the 37th, 45th, 57th and 73rd District Courts, Bexar County, Texas, describing the procedure therefor and the duty of the district clerk in relation thereto, and providing that all writs, processes, bonds and recognizances in such cases so transferred shall be transferred with said cases and be as binding in the court to which the case or cases are transferred as in the court in which same were originally issued, and declaring an emergency."

Read and referred to the Committee on Judicial Districts.

Motion to Suspend Rule.

Senator Duggan received unanimous consent to suspend the regular order of business and moved to suspend the constitutional rule, relating to the time for the introduction of bills.

The motion prevailed by the following vote:

Yeas—30.

Beck.	DeBerry.
Blackert.	Duggan.
Burns.	Hill.
Collie.	Holbrook.
Cotten.	Hopkins.
Davis.	Hornsby.

Isbell.	Regan.
Martin.	Sanderford.
Moore.	Shivers.
Neal.	Small.
Oneal.	Stone.
Pace.	Sulak.
Poage.	Van Zandt.
Rawlings.	Westerfeld.
Redditt.	Woodruff.

Absent—Excused.

Fellbaum.

Senate Bill No. 517.

By Senator Duggan:

S. B. No. 517, A bill to be entitled "An Act providing for the filing by executors and administrators of petitions for composition or extension with creditors of insolvent estates in the United States District Court and the invocation of the relief provided by Section 74 of the Bankruptcy Act of 1898 as amended, upon order of the county court; etc., and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Recess.

The Senate at 12:10 o'clock p. m., recessed until 12:55 o'clock p. m.

After Recess.

The Senate met at 12:55 o'clock p. m., pursuant to recess and was called to order by President Pro Tem. K. M. Regan.

At Ease.

The Senate stood at ease on motion of Senator Redditt, until the hour set for joint session.

Joint Session.

At 1:45 o'clock p. m., the Senate repaired to the House for the joint session.

Joint Session.

In accordance with H. C. R. No. 93, heretofore adopted, providing for a joint session to hear Hon. Martin Dies, member of Congress from Texas discuss cotton legislation pending in Congress. At 1:45 o'clock today the Senate appeared at the Bar of the House and being admitted, were escorted to seats prepared for them along the aisle.

President Pro Tem. K. M. Regan and Senator Redditt, member of the committee on part of the Senate were

seated on the Speakers stand. Hon. Coke Stevenson, Speaker of the House presented Hon. J. E. McDonald, Commissioner of Agriculture, who in turn presented Hon. Martin Dies. Congressman Martin Dies addressed the joint session.

Senate Called to Order.

The Senate was called to order at 2:35 o'clock p. m.

Senate Bill No. 17.

The question recurred on the pending amendment by Senator Collie.

Senator Martin sent up the following amendment:

Amend pending amendment to S. B. No. 17, by striking out of same the phrase "and before the date fixed for trial," found in proposed Article 651 at the end of the first paragraph of same.

MARTIN.

Read.

Senator Martin moved the adoption of the amendment.

Senator Woodruff sent up the following amendment:

Amend Martin amendment by adding the following:

Strike out the words "on or" in line 4, of Article 651.

WOODRUFF.

Read and adopted.

The amendment by Senator Martin as amended by Senator Woodruff was adopted by viva voce vote.

Senator Burns sent up the following amendment:

Amend substitute for S. B. No. 17, by striking out of Article 650—by striking out the words "shall not be a matter of right."

BURNS.

Read and pending.

Senator Burns yielded to Senator Hopkins.

House Bill No. 439.

Senator Hopkins asked unanimous consent to have H. B. No. 439 referred to the Committee on State Highways and Motor Traffic.

Unanimous consent was granted.

S. C. R. No. 42.

Senator Hill received unanimous consent to suspend the regular order of business and sent up the following resolution:

Whereas, The President of the United States has seen the necessity for social welfare legislation, resulting in the Social Security Act now pending before the National Congress, which Act has to do with child welfare, the aged, the crippled and other unfortunates; and,

Whereas, The Act calls for the appointment of a Social Security Board of three members, to be appointed by the President, with the advice and consent of the Senate; and,

Whereas, The entire Texas delegation in Congress, and the Party leaders, State and National, have personally submitted to the President the name of a distinguished Texan, former Senator Margie E. Neal of Carthage, Texas, for membership on the Social Security Board, if and when, the bill is enacted into law; and,

Whereas, While a member of the State Senate, Senator Neal espoused such humanitarian legislation as rehabilitation of civilian cripples and hospitalization and treatment of crippled children, as well as various welfare measures of a benevolent nature; and,

Whereas, The State Legislature and the citizens of Texas, who are interested in the program of social welfare contemplated by the Government, are now afforded the opportunity to cooperate with the Texas delegation in the National Congress in bringing to the attention of the Administration one who is preeminently qualified by training, education, experience and association to serve the Nation in this humanitarian endeavor; and,

Whereas, Senator Neal is not only generally but intimately well versed and experienced in matters pertaining to philanthropy, thereby rendering her most capable of performing a unique service as a member of said Social Security Board; and,

Whereas, Texas would not only do honor to itself and to the Nation, but would reflect credit of the highest degree upon the American people as a whole in bringing about the selection and elevation of our distinguished former member to this important post; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concur-

ring, That we also endorse Miss Neal, our former respected and beloved colleague, for membership on the Federal Social Security Board, and convey to the President our opinion that in naming her to this position he will honor Texas and the Nation, and will serve well the cause of human welfare, which is so very near his heart; and be it further

Resolved, That we commend Miss Neal to the President as a citizen of the highest integrity; as a publisher who always espoused the cause of benevolence, righteous living and good government; as a public official, who served her State long and well; as a capable, conscientious and effective social worker; as an ardent supporter of much welfare legislation; as a forward looking public servant who at all times had the interests of all concerned at heart; and be it further

Resolved, That she be commended for her Party loyalty and yeoman service; for her acknowledged leadership and her directorship of two Democratic National Campaigns in Texas, with some of Texas' most distinguished and worthy Party leaders; for her services as Director of Finance for the Democratic National Committee, under National Treasurer Cordell Hull; for representing the Party as delegate-at-large in all National Conventions but one, for the past twenty years and for having been cited for distinguished service to the Party by Texas Young Democrats at their Jefferson Day Dinner in 1934, when they bestowed certificates of honorable service upon twenty-five (25) Texas democrats; and be it further

Resolved, That copies of this resolution be forwarded to President Franklin D. Roosevelt, Vice-President John N. Garner, Hon. James Farley and Mrs. James H. Wolfe of the Democratic National Committee, Hon. Morris Sheppard and Hon. Tom Connally, our United States Senators from Texas, and Hon. Morgan Sanders and Hon. Martin Dies, Members of Congress, expressing to them our keen desire that Honorable Margie E. Neal, our beloved citizen and patriot without a peer, be favored with this appointment.

HILL,
HOLBROOK,
HORNSBY,
REDDITT,
MOORE,
WESTERFELD,
SMALL,
COTTEN,
PACE,
SANDERFORD,
BURNS,
HOPKINS,
NEAL,
STONE,
REGAN,
DAVIS,
RAWLINGS,
COLLIE,
DUGGAN,
POAGE,
SHIVERS,
BLACKERT,
BECK,
FELLBAUM,
SULAK,
VAN ZANDT,
WOODRUFF,
ISELL,
MARTIN.

Read and adopted.

Senator Hill moved that the Senate rule requiring resolutions to be referred to a committee be suspended, and that S. C. R. No. 42 be taken up and considered at this time.

The motion prevailed.

S. C. R. No. 42 was adopted unanimously.

Senate Bill No. 17.

Pending amendment by Senator Burns.

Senator Woodruff sent up the following amendment:

Amend H. B. No. 17 by substituting for the pending Burns amendment the following:

"The granting of such application for such severance and separate trial, however, shall be in the sound discretion of the court, and be allowed only when in the opinion of the court the ends of justice require it."

And strike out the last sentence of the first paragraph of Article 650.
WOODRUFF.

Read.

Senator Woodruff moved the adoption of the amendment.

Motion to Table.

Senator Collie moved to table the substitute amendment.

The motion lost by the following vote:

Yeas—11.

Blackert.	Poage.
Collie.	Regan.
DeBerry.	Sanderford.
Duggan.	Small.
Isbell.	Westerfeld.
Oneal.	

Nays—14.

Burns.	Pace.
Cotten.	Rawlings.
Hill.	Redditt.
Holbrook.	Shivers.
Hornsby.	Stone.
Martin.	Van Zandt.
Moore.	Woodruff.

Absent.

Beck.	Neal.
Davis.	Sulak.
Hopkins.	

Absent—Excused.

Fellbaum.

Senator Woodruff moved the adoption of the substitute amendment.

The amendment was adopted by the following vote:

Yeas—15.

Burns.	Pace.
Cotten.	Redditt.
Hill.	Shivers.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Woodruff.
Moore.	

Nays—14.

Beck.	Oneal.
Blackert.	Poage.
Collie.	Rawlings.
DeBerry.	Regan.
Duggan.	Sanderford.
Isbell.	Small.
Neal.	Westerfeld.

Absent.

Davis.

Absent—Excused

Fellbaum.

The amendment as substituted was lost by the following vote:

Yeas—14.

Burns.	Moore.
Cotten.	Pace.
Hill.	Redditt.
Holbrook.	Shivers.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Woodruff.

Nays—14.

Beck.	Oneal.
Blackert.	Poage.
Collie.	Rawlings.
DeBerry.	Regan.
Duggan.	Sanderford.
Isbell.	Small.
Neal.	Westerfeld.

Absent.

Davis.	Stone.
--------	--------

Absent—Excused.

Fellbaum.

Senator Martin sent up the following amendment:

Amend pending amendment to S. B. No. 17, as follows: Strike out of Section 1, proposed Article 650, the words "or any defendant who may be separately indicted for an offense for which others are likewise indicted."

MARTIN.

Read.

Motion to Table.

Senator Collie moved to table the amendment by Senator Martin.

The motion prevailed by the following vote:

Yeas—17.

Beck.	Poage.
Blackert.	Rawlings.
Collie.	Regan.
DeBerry.	Sanderford.
Duggan.	Small.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Nays—11.

Burns.	Moore.
Cotten.	Pace.
Hill.	Redditt.
Holbrook.	Stone.
Hopkins.	Sulak.
Martin.	

Absent.

Davis.	Shivers.
--------	----------

Absent—Excused.

Fellbaum.

Senator Burns sent up the following amendment:

Amend Senator Collie's substitute for S. B. No. 17, by adding after the word "court" in the last part of Article 650, paragraph No. 1, the following:

Provided where two or more defendants are jointly indicted, each defendant shall have a speedy trial in keeping with Section 10, Article 1, of the Constitution of Texas, and shall not be required to await for trial until all defendants are arrested.

BURNS.

Read.

Motion to Table.

Senator Collie moved to table the amendment by Senator Burns.

The motion to table prevailed by the following vote:

Yeas—15.

Beck.	Poage.
Blackert.	Regan.
Collie.	Sanderford.
DeBerry.	Small.
Duggan.	Van Zandt.
Isbell.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Nays—12.

Burns.	Martin.
Cotten.	Moore.
Hill.	Pace.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Sulak.

Absent.

Davis.	Stone.
Shivers.	

Absent—Excused.

Fellbaum.

Motion to Order the Previous Question.

Senator Woodruff moved to order the previous question on S. B. No. 17 and pending substitute.

The motion was seconded.

Previous Question.

The motion prevailed by the following vote:

Yeas—15.

Beck.	Regan.
Blackert.	Sanderford.
DeBerry.	Small.
Duggan.	Sulak.
Hopkins.	Van Zandt.
Hornsby.	Westerfeld.
Isbell.	Woodruff.
Neal.	

Nays—13.

Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Hill.	Rawlings.
Holbrook.	Redditt.
Martin.	Stone.
Moore.	

Absent.

Davis.	Shivers.
--------	----------

Absent—Excused.

Fellbaum.

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Collie the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 17 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Nays—4.

Hill.	Martin.
Holbrook.	Sulak.

Absent—Excused.

Davis.	Fellbaum.
--------	-----------

The pending amendment by Senator Collie as amended was adopted by unanimous consent.

Amend the caption to S. B. No. 17 by substituting the following for the original caption:

A BILL

To Be Entitled

An Act to amend Articles 650 and 651 of the Code of Criminal Procedure which permits defendants jointly indicted or defendants indicted for offenses growing out of the same transaction the right to apply for severance and ask for a separate trial, by leaving the action thereon to the sound discretion of the trial court, and regulating the procedure in reference thereto, and declaring an emergency.

COLLIE.

Read and adopted by unanimous consent.

Read third time as amended and finally passed by the following vote:

Yeas—18.

Beck.	Poage.
Blackert.	Rawlings.
Collie.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hornsby.	Small.
Isbell.	Van Zandt.
Neal.	Westerfeld.
Oneal.	Woodruff.

Nays—11.

Burns.	Moore.
Cotten.	Pace.
Hill.	Shivers.
Holbrook.	Stone.
Hopkins.	Sulak.
Martin.	

Absent.

Davis.

Absent—Excused.

Fellbaum.

House Bill No. 266.

Senator Small called from the table H. B. No. 266.

The Chair laid before the Senate the following bill:

H. B. No. 266, A bill to be entitled "An Act declaring the policy of the State with reference to the preservation of natural resources and protection of the rights of the owners of

gas producing properties; defining certain terms used in this bill; declaring certain corporations to be public service utilities; authorizing the Railroad Commission of Texas to determine whether the supply of gas in any pool is in excess of the reasonable market demand and reasonable demand for gas reserves and authorizing the Commission to restrict the use of gas to light and fuel purposes in all fields where the supply is not in excess of the demand and where the supply is not in excess of the reasonable requirements for reserve purposes, etc., and declaring an emergency."

Pending.

Motion to Recess.

Senator Cotten at 5:10 o'clock p. m., moved that the Senate recess until 10 o'clock a. m., Wednesday.

Senator Beck moved that the Senate recess until 8 o'clock tonight.

Recess.

The motion by Senator Cotten prevailed by viva voce vote.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, April 23, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 36 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, April 23, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 39 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, April 23, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 38 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, April 23, 1935.
Hon. K. M. Regan, President Pro Tempore of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 595, A bill to be entitled "An Act amending Sections 2 and 3 of S. B. No. 209, Chapter 220, Acts of the Regular Session of the Forty-third Legislature; (said Section 2 amending Article 3891 of the Revised Civil Statutes of Texas, of 1925, as amended, and said Section 3 amending Article 3902, Revised Civil Statutes of Texas, of 1925, as amended), and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PACE, Chairman.

Committee Room,
Austin, Texas, April 23, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on County and County Boundaries, to whom was referred

H. B. No. 344, A bill to be entitled "An Act to amend Section 11 of the Acts of 1927, Fortieth Legislature, Regular Session, Chapter 22, page 26, H. B. No. 80 as amended by the Acts of 1933, Forty-third Legislature, Chapter 50, page 61, Special Laws, H. B. No. 435, so as to provide by this Act, and as an amendment of said Act of the Forty-third Legislature, that the two Judges of the County Courts at Law Nos. 1 and 2, of Bexar County, Texas, shall not be required to furnish bonds, but shall each take the oath of office prescribed by the Constitution of Texas, and that certain fees shall be collected by the clerk of said courts and by him paid in to the County Treasury of Bexar County, Texas, and that the two Judges of the County Courts at Law Nos. 1 and 2, of Bexar County, Texas, shall each receive an annual salary of Five Thousand Dollars (\$5,000); and providing for the payment of said salaries; providing for the repealing of all laws and parts of laws in conflict with this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, with committee amendments and be not printed.

NEAL, Vice-Chairman.

Committee Amendment.

Amend H. B. No. 344 by striking out the words and figures "Five Thousand Dollars (\$5,000)" wherever they may appear in the caption and body of the bill, and insert in lieu thereof the following words and figures "Forty-four Hundred Dollars (\$4400)."

Committee Room,
Austin, Texas, April 23, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 516, A bill to be entitled "An Act authorizing the Judge of the Criminal District Court of Bexar County, Texas, to transfer criminal cases to the 37th, 45th, 57th and 73rd District Courts, Bexar County, Texas, describing the procedure therefor and the duty of the district clerk in relation thereto, and provid-

ing that all writs, processes, bonds, and recognizances in such cases so transferred shall be transferred with said cases and be as binding in the court to which the case or cases are transferred as in the court in which same were originally issued, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MARTIN, Chairman.

Minutes of Committee Meetings.

Minutes of Committee on Insurance,
Held April 23, 1935.

Regular Meeting.

Present: Collie, DeBerry, Pace, Westerfeld and Woodruff.

Absent: Cotten, Holbrook, Moore, Poage, Rawlings, Shivers and Sulak.

H. B. No. 176 set for special hearing Wednesday night, April 24th, at 7:30 o'clock.

ANNA MAY CULLEN,
Secretary.

In Memoriam

Underwood Nazro

Senate Resolution No. 83.

WHEREAS, In His divine wisdom, the Supreme Ruler of the Universe has removed from this life Underwood Nazro, a distinguished and honorable citizen of Harris County, Texas; and,

WHEREAS, In the death of Underwood Nazro, Texas has lost an outstanding citizen; and the business interests of Texas have lost one of their foremost leaders; and his thousands of fellow workers have lost an understanding and sympathetic friend; and his family has suffered an irreparable loss; now, therefore be it

RESOLVED, By the Senate of Texas:

First, That we express our appreciation of the splendid character and outstanding services of Underwood Nazro;

Second, That we extend to the members of his family our sincere sympathy in their great loss;

Third, That this Resolution be printed in the Senate Journal and copies of same be furnished to the members of the family of Underwood Nazro.

MOORE,
REDDITT.

Senator Shivers received unanimous consent for the names of all members of the Senate to be added.

BECK,
BLACKERT,
BURNS,
COLLIE,
COTTEN,
DAVIS,
DeBERRY,
DUGGAN,
FELLBAUM,
HILL,

HOLBROOK,
HOPKINS,
HORNSBY,
ISBELL,
MARTIN,
NEAL,
ONEAL,
PACE,
POAGE,
RAWLINGS,

REGAN,
SANDERFORD,
SHIVERS,
SMALL,
STONE,
SULAK,
VAN ZANDT,
WESTERFELD,
WOODRUFF,
WOODUL, Lt. Gov.

Read and unanimously adopted by a rising vote.